

ATTACHMENT C

AFFIDAVIT IN SUPPORT OF APPLICATION FOR SEARCH WARRANT

1. I, David Neill, a Special Agent (SA) of the Federal Bureau of Investigation (FBI), having first been duly sworn, depose and state as follows:
2. Your Affiant makes this Affidavit in support of an application for the issuance of a warrant authorizing agents and/or task force officers with the FBI to collect a DNA sample and major case prints from RYAN PHILLIP SCHLESINGER, further described in Attachment A, for certain things particularly described in Attachment B, incorporated herein by reference.

BACKGROUND OF AFFIANT

3. Your affiant, David Neill, is a Special Agent of the FBI and is currently assigned to the Tucson office. In the course of his official duties, your affiant is responsible for investigating federal crimes occurring within the District of Arizona, which include violent crimes. Your affiant has training and experience in investigating such crimes.
4. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents, officers, investigators, and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. I have set forth only the facts that I believe are necessary to establish probable cause to believe that evidence of violations of Title 18, United States Code, § 1111, Murder of a Federal Officer; Title 18, United States Code, § 1113, Attempted Murder of a Federal Officer; Title 18, United States Code, § 111, Assault on a Federal Officer; and Title 18, United States Code, § 924, Using a Firearm During and in Relation to a Crime of Violence, is located in and on the body of RYAN PHILLIP SCHLESINGER ("SCHLESINGER"), and who, upon information and belief, is currently detained at the Central Arizona Florence Correctional Complex, in Florence, Arizona.

5. Accordingly, this application requests authority to search SCHLESINGER as described in Attachment A, for evidence of this crime as described in Attachment B.

This court has jurisdiction over these offenses under 18 U.S.C. § § § 1111, 1113, 111, & 924, because the below-described events occurred within the confines of the District of Arizona, in Pima County, Arizona.

SEARCH METHODOLOGY TO BE EMPLOYED

6. The process of collection will be limited to the seizure of a DNA standard by use of two (2) buccal swabs. Method of collection will be oral, that is, by inserting the buccal swabs (2) into the mouth of SCHLESINGER for the purpose of collecting a DNA standard.

7. The collection of major case prints will be done by inking SCHLESINGER's hands, including his palms, fingers, fingertips, sides, and edges, and rolling them onto a standard major case fingerprint form.

BACKGROUND OF INVESTIGATION

8. On November 29, 2018, shortly before 1730, deputies with the US Marshals Wanted Task Force were at the 2614 N. 15th Avenue residence to serve a felony arrest warrant on SCHLESINGER for stalking another law enforcement officer. Deputy US Marshals approached the residence, taking note that SCHLESINGER had video surveillance on the outside of the residence.

9. As agents were attempting to break a window of the residence, SCHLESINGER fired on the agents, striking DUSM C. W. Agents returned fire and extracted the injured agent off the property. The wounded agent was transported to Banner UMC where he was pronounced deceased.

10. On November 29, 2018, at 1730 hours, a TPD Officer advised on the police radio that the US Marshals had been involved in a shooting at 2614 N. 15th Avenue.

11. Agents held a perimeter around the house while TPD officers responded. At 1823 hours, SCHLESINGER exited the house wearing body armor and a ballistic helmet. He was taken into custody and transported to TPD headquarters. Later that evening, SCHLESINGER was transported and booked into the Pima County Jail.

12. On November 30, 2018, a Federal Search Warrant was executed by the FBI's Evidence Response Team ("ERT") at SCHLESINGER's residence, 2614 N.15th Avenue, which included the collection of numerous items of evidence to include several firearms and firearms magazines.

13. On November 30, 2018, SCHLESINGER was taken into federal custody based on a federal arrest warrant. On December 27, 2018, a Federal Grand Jury returned a true bill on an Indictment charging SCHLESINGER with the following charges:

- a. 18 U.S.C. §§ 1111 & 1114 (First Degree Murder of a Federal Officer)
- b. 18 U.S.C. §§ 1113 & 1114 (Attempted Murder of a Federal Officer)
- c. 18 U.S.C. §§ 111(a)(1) & (b) (Assault on a Federal Officer with a Deadly or Dangerous Weapon)
- d. 18 U.S.C. §§ 924(c)(1)(A)(iii) (Discharging a Firearm in Furtherance of a Crime of Violence)

14. On September 30, 2019, a Federal Grand Jury returned a true bill on a Superseding Indictment charging SCHLESINGER with the following charges:

- a. 18 U.S.C. §§ 1111(a) & 1114 (First Degree Murder of a Federal Officer)
- b. 18 U.S.C. §§ 1113 & 1114 (Attempted Murder of a Federal Officer)
- c. 18 U.S.C. §§ 111(a)(1) & (b) (Assault on a Federal Officer with a Deadly or Dangerous Weapon)
- d. 18 U.S.C. §§ 924(c)(1)(A) & (j) (Using a Firearm During and in Relation to a Crime of Violence Causing Death)

e. 18 U.S.C. §§ 924(c)(1)(A)(i), (ii) & (iii) (Using a Firearm
During and in Relation to a Crime of Violence)

15. On January 10, 2019, the FBI Laboratory was requested to swab several items of evidence to preserve and collect any potential DNA, including the firearms and magazines collected from SCHLESINGER's residence. The FBI Laboratory was also requested to examine several of the evidence items to identify and preserve any potential latent prints. The FBI Laboratory preserved images of captured latent prints from the evidence items, however no comparison had been conducted as of March 2, 2023. The FBI Laboratory obtained DNA profiles suitable for comparison from several firearms, including a Weaponsmart rifle, Serial Number WX00081, however no comparison had been conducted as of March 2, 2023. The aforementioned Weaponsmart rifle was identified through Laboratory examination to have been the firearm used to kill DUSM C.W.

16. The FBI wishes to collect evidence in the form of deoxyribonucleic acid ("DNA") and Major case prints from SCHLESINGER in order to submit to the FBI Laboratory for comparison to the aforementioned DNA and latent print evidence that was preserved by the FBI Laboratory.

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CONCLUSION

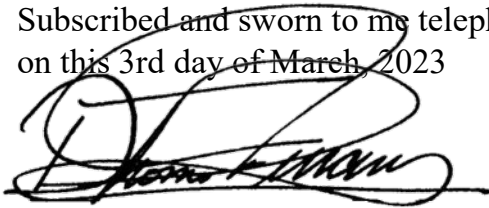
20. Based on the aforementioned factual information, I respectfully submit that there is probable cause to believe that evidence described in Attachment B will support an investigation into violations of Title 18, United States Code, § 1111, Murder of a Federal Officer; Title 18, United States Code, § 1113, Attempted Murder of a Federal Officer; Title 18, United States Code, § 111, Assault on a Federal Officer; and Title 18, United States Code, § 924, Using a Firearm During and in Relation to a Crime of Violence. Therefore, I respectfully request the issuance of a Federal Search Warrant authorizing the collection of a DNA standard and major case prints from SCHLESINGER.

NEILL.DAVID.
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NEILL.DAVID.T.T33A24N29
Date: 2023.03.03 12:13:32
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DAVID NEILL
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to me telephonically
on this 3rd day of March, 2023

A handwritten signature in black ink, appearing to read "Thomas Ferraro", is written over a horizontal line.

Honorable D. Thomas Ferraro
United States Magistrate Judge
District of Arizona